

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA, )  
)  
Plaintiff, ) Case No. CR 10-133  
) Milwaukee, Wisconsin  
vs. )  
) January 21, 2011  
AMANI BOOKER, ) 1:35 p.m.  
)  
Defendant. ) **ELECTRONICALLY RECORDED**

**AUDIO FILE TRANSCRIPTION OF SENTENCING HEARING**  
BEFORE THE HONORABLE CHARLES N. CLEVERT, JR.  
UNITED STATES DISTRICT JUDGE

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Proceedings recorded by electronic recording,  
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TRANSCRIPT OF AUDIO FILE

JANUARY 21, 2011

1:35:28 p.m. - 2:42:52 p.m.

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THE BAILIFF: Please be seated.

THE CLERK: This is United States of America vs. Amani Booker, Case No. 10-CR-133 here for a sentencing. May I have the appearances, please.

MR. WALL: Joseph Wall for the United States. Good afternoon, Your Honor.

THE COURT: Good afternoon.

PROBATION OFFICER: Good afternoon, Your Honor. Jim Fetherston from Probation.

THE COURT: It's good to see you.

MR. MULLINS: Good afternoon, Your Honor. Brian Mullins appears in behalf of Amani Booker who also appears in custody.

THE COURT: Good afternoon to each of you.

Mr. Booker, as you know, you entered a guilty plea in this courtroom on the 20th of September of last year and the court directed that a presentence report be prepared. That report has been tendered, and I'd like to know if you've had a chance to go over the presentence report and discuss it with Mr. Mullins.

THE DEFENDANT: Yes, sir.

1 THE COURT: Are there any other matters you need to  
2 review with your attorney before we begin today?

3 THE DEFENDANT: No, sir.

4 THE COURT: Mr. Mullins, at this juncture I note that  
5 you have objected to the defendant receiving a two-level  
6 increase under 3B1.1(c) of the guidelines.

7 MR. MULLINS: Correct, Your Honor.

8 THE COURT: Do you continue with that objection today?

9 MR. MULLINS: We do, Your Honor.

10 THE COURT: Do you wish to be heard?

11 MR. MULLINS: Yes, Your Honor, just in reply to the  
12 probation office's response. I think the probation office  
13 focuses on the overall conduct of Mr. Booker's relationship with  
14 Miss Arnold. And I don't think that is relevant to determining  
15 Mr. Booker's -- whether Mr. Booker played a leadership role in  
16 the offense for which this court is sentencing him, which is  
17 trafficking of a minor in sexual activity.

18 Strictly related to that offense, I believe Miss  
19 Arnold and Mr. Booker were equal. Mr. Booker did not direct  
20 Miss Arnold, for example, to solicit the victim in this case who  
21 I will refer to as "Sapphire" as the government did yesterday at  
22 Miss Arnold's sentencing. Mr. Booker did not direct Miss Arnold  
23 to solicit "Sapphire;" he did not direct Miss Arnold to instruct  
24 "Sapphire" on techniques which the evidence shows she did on her  
25 own; and, he did not direct Miss Arnold to, for example, collect

1 a certain portion of money from "Sapphire."

2 Miss Arnold certainly played a major role, in part, in  
3 getting "Sapphire" to participate in the activity for which both  
4 Miss Arnold and Mr. Booker are being sentenced.

5 Miss Arnold contacted customers from her telephone.  
6 She did ask the victim of her age five times. She, I think you  
7 could say, recruited the victim in the case to join her and  
8 Mr. Booker because she suggested to the victim that only earning  
9 \$50 was not enough; that she could earn more if she were to join  
10 up with Mr. Booker and Miss Arnold. There's no evidence that  
11 Mr. Booker told Miss Arnold to recruit the victim in this way.  
12 So I don't think Mr. Booker played any role above that which was  
13 played by Miss Arnold.

14 The probation office cites United States vs. Young to  
15 support the enhancement in this case, but I think the facts of  
16 each case are different. In Young the defendant was charged and  
17 sentenced for using the facilities of interstate commerce to  
18 facilitate prostitution. And there, the court observed that the  
19 defendant in that case was more or less the manager of a massage  
20 parlor, was divvying out wages, was reporting to the owner of  
21 the massage parlor when employees were misbehaving, was  
22 assigning customers to different masseuses. So I think in that  
23 case, and for the offense that that defendant was charged with,  
24 the evidence is much more clear-cut that she was playing a  
25 manager role.

1 But here, for strictly the offense for which  
2 Mr. Booker is being sentenced today, Mr. Booker played no  
3 additional role that Miss Arnold did not play and, therefore, he  
4 should not be given points for a leadership role.

5 That's all we have on that issue.

6 THE COURT: Mr. Wall?

7 MR. WALL: Your Honor, I have to agree. There's not  
8 enough evidence in the record to support that supervisory  
9 enhancement. And I will say, based on facts that I know are not  
10 on the record, that there is -- that's not the case. In other  
11 words, I don't think Mr. Booker supervised Holly Arnold as to  
12 this offense conduct here that's in front of the court.

13 I think in this case both Holly Arnold and "Sapphire"  
14 were simply prostitutes of Mr. Booker. And I don't know of any  
15 directions that Mr. Booker gave to Holly Arnold that she was  
16 supposed to give to "Sapphire." Again, in the record, out of  
17 the record, it seems like when Holly Arnold and "Sapphire" were  
18 together alone, Holly Arnold did give her some directions.  
19 There's just not enough here and I don't think the court should  
20 apply the enhancement, with all respect to Mr. Fetherston.

21 THE COURT: One moment, please.

22 Mr. Fetherston, are there some facts in the record  
23 that you look to in support of the enhancement discussed in the  
24 presentence report and, in particular, the addendum which  
25 addresses the defendant's objection?

1           PROBATION OFFICER: Yes, Your Honor. Those facts are  
2 outlined in our response. But just to highlight, the  
3 relationship between -- the way we looked at it -- between Amani  
4 Booker and Holly Arnold was that of pimp and prostitute, to put  
5 it in very blunt terms. And I believe Miss Arnold, even in her  
6 statements to law enforcement, acknowledged that she was in an  
7 underling role, that she worked for Amani Booker. Therefore,  
8 those activities that she undertook with "Sapphire" in the hotel  
9 room in the weekend in 2010 would have been for Mr. Booker.

10           There's also factual information from the presentence  
11 report that Mr. Booker did have a claim to a share of the  
12 proceeds here and a larger share than the women that were  
13 prostituting for him. That's evidenced with Miss Arnold's  
14 statements regarding the laptop computer that the defendant  
15 purchased using money she had earned as a prostitute. And then  
16 some other information that's submitted in the written record  
17 support our position.

18           In turning to the case United States vs. Young. While  
19 that case is not directly on point, I think the Seventh Circuit  
20 addresses the issue of leadership role in basically saying that  
21 an individual orchestrating or coordinating the activities of  
22 others, it can be considered for the two-level enhancement under  
23 3B1.1(c).

24           THE COURT: I'd like for counsel to address the facts  
25 underlying the offense, particularly as they relate to what

1 transpired after the young woman was approached and taken to the  
2 hotel.

3 MR. MULLINS: Well, Your Honor, my understanding is  
4 that she went to the hotel. They took her to the hotel, she  
5 showered. I believe Mr. Booker asked her to shower. And then  
6 Mr. Booker took some photos of her which were posted on the  
7 Internet. And then Miss Arnold used her contacts in her cell  
8 phone to contact her customers and try to solicit what I believe  
9 the discovery refers to as prostitution dates.

10 Eventually, she advertised the fact that two women  
11 would be present, or a minor and a woman would be present. She  
12 didn't advertise that it was a minor, she advertised that two  
13 women would be present.

14 And eventually -- I believe the evidence is a little  
15 bit disputed as to how many customers came, but I will concede  
16 that perhaps two customers engaged in sexual relations with the  
17 victim, with "Sapphire," and that the money in those -- as a  
18 result of those transactions was essentially divided among the  
19 three. It's unclear to me from the evidence in the record how  
20 the money was divided.

21 And so that's, I think, the summary of my  
22 understanding of the evidence as to what transpired after the  
23 victim went to the motel.

24 THE COURT: Mr. Wall, do you disagree with anything  
25 that was just stated?

1 MR. WALL: Yes. In the discovery it's pretty clear  
2 that the money all went to Mr. Booker, which is the nature of  
3 the relationship. Miss Arnold always gave her money to  
4 Mr. Booker. I believe all that's in the discovery. And I think  
5 "Sapphire" here actually saw that happening. And I believe  
6 that's in the discovery too.

7 But that's, you know, Judge, that's just part of the  
8 relationship. That's how this works. There's not a division of  
9 the money. And I think that the fact that the money went to  
10 Mr. Booker is -- doesn't support the enhancement at all. It  
11 just shows, as I was saying earlier, that these are his  
12 prostitutes. This is the relationship. And they make money and  
13 they give it to Mr. Booker. Mr. Booker was the driver of the  
14 car. He was the one who approached "Sapphire" on the street.  
15 Really, Miss Arnold's participation in that, by her own  
16 admission, is that she asked "Sapphire" five times how old  
17 "Sapphire" was, and Mr. Booker asked three times, but she never  
18 said "Mr. Booker told me to ask her."

19 Mr. Booker told this "Sapphire" that if she  
20 prostituted for him she could have anything she wanted, just  
21 like Holly Arnold had. That was his statement, part of the  
22 enticement. He's the one who took her to a hotel room. As I  
23 recall, he's the one who paid for the hotel room. He gave  
24 "Sapphire" the marijuana to smoke. He took the nude photos of  
25 "Sapphire." He used his computer to post those photos to the



1 Internet. And, as I say, he received the cash proceeds.

2 There's just not enough here, Your Honor. Quite  
3 frankly, if there's a finding here, I can't support it on  
4 appeal. It's just not here.

5 THE COURT: Now, I note the application notes, and, in  
6 particular, note 2 indicates in the last sentence:

7 "An upward departure may be warranted, however, in the  
8 case of a defendant who did not organize, lead, manage, or  
9 supervise another participant, but who nevertheless exercised  
10 management responsibility over the property, assets, or  
11 activities of a criminal organization."

12 I would gather that you and the defense would first  
13 conclude this is not a criminal organization. But even if it  
14 might be considered a criminal organization, what Mr. Booker  
15 engaged in was not general management but, rather, he acted  
16 consistent with a custom or practice based on his relationship  
17 with his co-defendant. Is that a fair and accurate assessment?

18 MR. WALL: I agree with the court. I mean, he's  
19 essentially an employer and they're two employees and neither  
20 employee is supervising the other employee. They're just  
21 working for him.

22 MR. MULLINS: And I acknowledged in our objection that  
23 application note 2 might be applicable in this circumstance, so  
24 I would agree with the court's analysis.

25 I did want to just address the probation office's kind

1 of reference to the computer. I don't necessarily see that as  
2 showing that Mr. Booker played any leadership role. The  
3 computer was an essential tool of the criminal enterprise.  
4 Whether it was an enterprise of two, three, it was certainly an  
5 essential tool. The money that the criminal enterprise gained  
6 was used to invest in a tool that was necessary to continue that  
7 enterprise. So I think the fact that these proceeds were used  
8 to buy a computer doesn't necessarily show that Mr. Booker  
9 played any leadership role.

10 THE COURT: While I do agree with the assessments of  
11 counsel, I certainly do see facts in this record upon which it  
12 could be suggested that Mr. Booker is to be assessed two points,  
13 particularly the fact that the relationship of Mr. Booker and  
14 Miss Arnold was one which involved him enlisting her to engage  
15 in prostitution and during the course of their joint activities  
16 he did take the lion's share of what was earned. And he was the  
17 person in this particular instance who approached the child  
18 victim and enlisted her to work as a prostitute.

19 However, other facts show that Miss Arnold also  
20 influenced the child to make the decision to work as a  
21 prostitute, as pointed out. In particular, she did query the  
22 14-year-old about her age, and directed the 14-year-old  
23 regarding how to conduct herself during their dates.

24 And so there was more -- there was divided  
25 responsibility here, notwithstanding the fact that Mr. Booker

1 was somewhat dominant in his relationship with Miss Arnold.

2 On the basis of these findings which support the  
3 defendant's objection that the court not apply a two-level  
4 enhancement under U.S. Sentencing Guideline 3B1.C, the court  
5 does sustain the defendant's objection and determines that the  
6 enhancement should not be assessed.

7 That having been said, are there other objections that  
8 the defendant wishes to assert at this time?

9 MR. MULLINS: No, thank you, Your Honor.

10 THE COURT: Are there any objections by the government  
11 which have not already been articulated?

12 MR. WALL: No, Your Honor.

13 THE COURT: The court, therefore, finds the facts in  
14 the presentence report should be adopted as its findings of  
15 fact.

16 The court is also sustaining the objection to the  
17 enhancement and, as a consequence, the defendant is placed at a  
18 criminal history category V, with a total offense level of 31,  
19 assuming that the government is supporting three points for  
20 acceptance of responsibility.

21 MR. WALL: We are, Your Honor.

22 THE COURT: I do believe that the request for three  
23 points is warranted and, therefore, on the basis of that  
24 request, which the court grants, the defendant is at offense  
25 level 31 which translates into an advisory guideline of from 168

1 to 210 months. The fine range goes from \$15,000 to \$150,000.  
2 And, inasmuch as one count is involved here, the Mandatory  
3 Victims Restitution Act calls for an assessment of \$100.

4 If no further objection is heard and the parties do  
5 not take exception to the findings as stated, we'll proceed to  
6 the next phase of sentencing. Mr. Wall?

7 MR. WALL: Thank you, Your Honor. I'll start out by  
8 advising the court of something positive here, and that is that  
9 Mr. Booker did sit down with law enforcement, I believe it was  
10 last week, and give a full statement regarding his knowledge of  
11 some other criminal activity in the Milwaukee area that may end  
12 up being helpful. I don't know if it will. As of right now  
13 it's just a statement. It could develop into something, and  
14 maybe Mr. Booker will be back in front of this court for some  
15 type of sentence reduction. But the important thing is that by  
16 making a statement I think an individual shows an even stronger  
17 acceptance of responsibility. So that is something positive.

18 And I'm going to shift now to the statutory factors.  
19 First, 3553(a)(1), you look at the nature of the offense.  
20 Really, next to physical violence this is some of the most  
21 serious conduct sanctioned by the federal criminal code.  
22 Mr. Booker enticed a child to join his prostitution business. I  
23 believe he knew this "Sapphire" was under 18. Whether he knew  
24 she was 14, 15, 16, or 17, I don't know. I don't think he cared  
25 one bit. But I think he knew she was underage. Again, he and

1 Holly Arnold asked her a total of eight times how old she was.  
2 You don't do that if you believe someone when they say "I'm 18."  
3 And I would note that neither one of them -- Mr. Booker in  
4 particular -- did not even take the simple step of asking  
5 "Sapphire" for her ID or a driver's license. And again, that's  
6 because he just didn't care.

7 What mattered to him on the street, as he was  
8 recruiting her, was that he was now going to be able to  
9 advertise a two-girl special on his prostitution Internet site.  
10 Very, very serious conduct.

11 As part of this enticement here, Mr. Booker told her  
12 that, "Sapphire," that if she prostituted for him she could,  
13 quote, "have anything she wanted," unquote, just like Holly  
14 Arnold had. That was a lie.

15 Mr. Booker is the one who took this child to a hotel  
16 room where she would both be sleeping and having sex with  
17 strange men. Amani Booker gave this child marijuana to smoke.  
18 Amani Booker took nude photos of this child, including photos  
19 that displayed her genital area. Mr. Booker used his computer  
20 to post these photos to an Internet site to advertise this  
21 child's sexual services. And Mr. Booker is the one who received  
22 the cash proceeds from this child's sex acts with the clients  
23 that were found on the Internet and others.

24 That's the nature of the offense. Extremely serious  
25 crime. Extremely serious conduct within the time itself.

1 Under 3553(a)(1), we also look at the background and  
2 the character of the defendant. And there's not a lot of good  
3 things to say here based on the facts in the presentence report.  
4 And that's unfortunate. That's an unfortunate thing for me to  
5 say. What we have here in his background is a series of  
6 unbroken criminal convictions since he was 17 years old,  
7 including some very serious crimes.

8 We have a second-degree recklessly endangering safety  
9 while armed in 1995 that earned him three years in prison. The  
10 offense conduct is that he fired a shot from a handgun that  
11 struck the victim's forehead, and then the slug wrapped itself  
12 around and ended up in the victim's back. He gets paroled from  
13 that sentence, and then he's revoked because of new criminal  
14 conduct.

15 In 2004 we have another serious felony. And  
16 in-between there are other crimes, but there's three that really  
17 do stand out. And in 2004, possession with intent to distribute  
18 cocaine. Extremely serious crime. Terrible, terrible drug.  
19 Again, he earned a prison sentence through his conviction there.  
20 And then about a year ago we have this domestic battery, bodily  
21 harm. The victim was one of his prostitutes who told law  
22 enforcement that Mr. Booker frequently beat her. In this  
23 particular instance she was trying to flee from Mr. Booker and  
24 from his prostitution business. She was trying to get away from  
25 this. And she had been in the business with Mr. Booker for five

1 years. She stated that she cut her hand when he thrust a knife  
2 at her stomach and she grabbed the knife. Again, very serious  
3 conduct resulting in this conviction.

4 Again, looking at his background, we look at paragraph  
5 24 of the presentence report. Mr. Booker says he wants this  
6 court to know that the entire 10 years he was out prostituting  
7 women he was, quote, "always looking for a way out," unquote.  
8 That's not true, because we know from paragraph 79 to 81 in the  
9 PSR that he has absolutely no verifiable history of working an  
10 honest job. We also know that he's never had to file an income  
11 tax return from paragraph 85 of the presentence.

12 THE COURT: Never had to file an income tax return?

13 MR. WALL: Never did and probably never -- never did,  
14 Your Honor. That's a better way to put it. He never filed an  
15 income tax return.

16 He admits that he started prostituting women more than  
17 10 years ago. He said it was easy and quick money. He admits  
18 to earning, in quotes, "up to a thousand dollars a night." But  
19 we know that he actually earned nothing. It was the women he  
20 prostituted who earned this money and handed it over to  
21 Mr. Booker, just as they were instructed to do. He prostituted  
22 Holly Arnold for five years. In 2010 alone we found 55 separate  
23 Internet advertisements for Miss Arnold's prostitution services.

24 And he had a good number of other prostitutes working  
25 for him during the time period that Miss Arnold was also his

1 prostitute. We found on a PDA - personal digital assistant I  
2 believe it is - file folders - it's a mini-computer - and the  
3 folders were labeled with what appeared to be street names of  
4 women, rather exotic names, such as "Sapphire." And in each one  
5 of these files were photos of nude women which Miss Arnold tells  
6 us were his other prostitutes or previous prostitutes over the  
7 years. So this is really what we have here in the background of  
8 this defendant. Not good.

9 In terms of sentencing, Your Honor, and the goals of  
10 the sentence under 3553(a)(2), consistent with the plea  
11 agreement my recommendation to the court is 14 years  
12 imprisonment, no fine, five years of supervised release. I look  
13 at this in terms of the purpose of the sentence as a general  
14 deterrence case, and I believe that that should be the goal of  
15 your pronouncement here today as to Mr. Booker.

16 I urge you, through your comments and the sentence you  
17 give to Mr. Booker, to tell the community that any men who have  
18 any inclinations like Mr. Booker has had, and in fact has acted  
19 on, that there is a very serious punishment for getting involved  
20 in this dirty destructive business. I ask that you send a  
21 message of deterrence that this business destroys the lives of  
22 some of the most vulnerable members of our community - women and  
23 children from broken homes, women and children without good male  
24 role models in their lives, women and children who involve  
25 themselves in the most humiliating conduct imaginable and not



1     imaginable, just so they can hear at the end of the day, as  
2     Miss Arnold did, the hollow, manipulative, dishonest words "I  
3     love you."

4             Mr. Booker himself in paragraph 24 of the PSR admitted  
5     that he was, quote, "taking advantage of women who wanted to  
6     make bad decisions," unquote. I doubt very much that these  
7     women really wanted to spend their days making bad decisions.  
8     Once a woman has been turned out into the street by a sex  
9     trafficker like Mr. Booker, there's really no going back. The  
10    nightmares and memories, the debasement, are life-long, and I  
11    would posit that psychological damage too will never go away.

12            Thank you.

13            THE COURT: Mr. Mullins?

14            MR. MULLINS: Thank you, Your Honor. We're asking for  
15    a sentence of 120 months which is the statutory mandatory  
16    minimum in this case. We believe 120 months is a significant  
17    sentence for Mr. Booker, given that Mr. Booker's longest prior  
18    term of imprisonment was 36 months. So this would be more than  
19    three times greater than any term of imprisonment he has served  
20    before, and that is certainly a factor when the court is  
21    considering specific deterrence.

22            And the reason we believe that a variance from the  
23    guidelines is appropriate in this case — even though I do think  
24    120 months is a extremely significant sentence — but I think a  
25    variance is appropriate in this case because I don't believe

1 that this case is really the heartland of sex trafficking in  
2 children and what the guidelines are necessarily getting at when  
3 they impose pretty high base offense levels for sex trafficking  
4 in children.

5 The evidence shows, and I think it's undisputed, that  
6 "Sapphire" was prostituting before she met Mr. Booker. And she  
7 was attempting to prostitute herself when Mr. Booker and  
8 Miss Arnold came upon her on 17th and North in the middle of the  
9 night. So this is not a case where Mr. Booker lured someone who  
10 was, for example, a runaway who had never engaged in  
11 prostitution before and lured them into the prostitution world.  
12 And I think that is one of the reasons that the base offense  
13 levels in these cases are so high, is that they are directed at  
14 activities like that, which is very common. Runaways constitute  
15 a large percentage of the prostitutes out there. And this is  
16 not a case like that.

17 The victim in this case also, I think it has to be  
18 considered, looked older than she was. And we have a report  
19 from a pediatrician, Dr. Wyatt, verifying that to any layperson  
20 they could not tell with any reasonable degree of certainty that  
21 "Sapphire" was under 18 -- or under 21, let alone under 18.

22 THE COURT: Let me stop you there to ask whether you  
23 are asserting that for mitigation purposes or indirectly  
24 attacking whether or not your client fits within the statute of  
25 which was the basis for his conviction.

1 MR. MULLINS: We are asserting it for mitigation  
2 purposes. I was not on this case when Mr. Booker made the  
3 decision to plead guilty, but I have reviewed the notes from  
4 that time from Mr. Wilmouth who was representing Mr. Booker at  
5 the time. I have spoken with Mr. Wilmouth personally about this  
6 issue and a decision was made that the fact that Mr. Booker did  
7 not believe she was under 18 is not a defense to the charge the  
8 way that the statute is written.

9 THE COURT: And the statute as written indicates that  
10 if you have a chance to see the child involved, then you may be  
11 found guilty, correct?

12 MR. MULLINS: Correct. And we don't dispute that  
13 Mr. Booker had a chance to view the victim in this case. And I  
14 have discussed this issue with Mr. Booker. I discussed it with  
15 him today. I think, frankly, that Mr. Booker probably disagreed  
16 with Mr. Wilmouth's analysis of the case originally, but I  
17 believe that despite the fact that I don't think Mr. Booker  
18 necessarily believes the law is just, agrees that it is what the  
19 law is.

20 THE COURT: Mr. Wall, do you wish to address the  
21 latter points of the defendant's comments?

22 MR. WALL: Well, I will repeat a little bit what I  
23 said yesterday: That I charged this case -- subsection (c) of  
24 the amendment from December of 2008 kind of slipped by me. I'm  
25 embarrassed to say that, but it did. I charged this case under

1 the reckless disregard of the fact that she was a child. And I  
2 believed then -- I was certain then that these two knew that and  
3 didn't care about it, and I believed beyond a reasonable doubt  
4 that I could prove that to a jury once "Sapphire" got on the  
5 witness stand.

6 I do believe that subsection (c) as amended does apply  
7 to this case, and that Mr. Mullins' comments really hit the mark  
8 that Mr. Booker, while he may not agree with the law or think  
9 that it is just, Mr. Booker did, in fact, have an opportunity to  
10 observe "Sapphire" and, therefore, we don't even have to prove  
11 that he knew she was under 18.

12 THE COURT: Mr. Mullins, are there additional comments  
13 you would like to make?

14 MR. MULLINS: Yes, Your Honor. As I was saying,  
15 Dr. Wyatt's report concludes that a layperson could not  
16 determine whether "Sapphire" was under 21, let alone 18. So I  
17 think that is also a factor that takes this case outside the  
18 heartland of the guidelines. This is not a situation where it  
19 was obvious to anyone that the victim was under 18.

20 Also -- and this is where I would take issue with the  
21 government's characterization -- or one of the areas where I  
22 would take issue with the government's characterization of the  
23 facts. Mr. Booker, I believe, took efforts to determine whether  
24 the victim was under 18. And I believe that was his practice  
25 for not necessarily altruistic reasons -- although I think that

1 was part of it - but it was his practice just for his own  
2 self-preservation. He knew the penalties that were associated  
3 with dealing with minors. He admitted this during his debrief  
4 last week, that he would take efforts to determine whether  
5 someone was a minor by asking them questions about their  
6 families, asking them if there was anyone looking for them,  
7 asking them if they were runaways, and if that were the case he  
8 would no longer deal with that person.

9 Some of the Internet sites that Mr. Booker was dealing  
10 with would require a form of identification. So it wasn't  
11 necessarily his business or it wasn't necessarily beneficial to  
12 his business to deal with minors, and he avoided it. He tried  
13 to avoid it.

14 And I think that is why the first question presented  
15 to "Sapphire" here is, "How old are you?" Or at least one of  
16 the first questions was, "How old are you?" And the fact that  
17 it was asked so many times certainly can be seen as some doubt  
18 on the part of Miss Arnold and Mr. Booker, also can be seen as  
19 going above and beyond what maybe they would normally do to  
20 verify the age. They weren't necessarily satisfied with the  
21 first answer. I don't think that shows that they then just  
22 ignored it. They tried to -- they tried to gauge it a little  
23 further by asking her additional questions or asking her  
24 repeatedly what her true age was.

25 So I think it's reasonable to infer that Mr. Booker

1 did not know that "Sapphire" was under 18 and, because of that,  
2 that is another basis for varying from the guideline range.

3 Also, I think relative to the 3553 characteristics or  
4 factors are Mr. Booker's characteristics. And he does have some  
5 positives, I think, contrary to the government's statement to  
6 that effect. Mr. Booker, for whatever he has done in his past,  
7 his children love him and he has been a good father according to  
8 all reports. And it certainly is -- I mean, it's an unusual  
9 situation in that I think Mr. Booker would acknowledge he was  
10 leading almost two lives. Perhaps his family was ignoring what  
11 was going on in his other life, but in his family life he would  
12 attend all of his kids' school functions. His long-time  
13 girlfriend, Precious Richards, is in court today and she would  
14 like to address the court, but she was pleased with him as a  
15 father.

16 I think another ironic aspect to this case is the fact  
17 that Miss Richards works at Meta House which is a facility for  
18 women often who are prostitutes. And it certainly -- I don't  
19 know exactly what it means, but it's ironic and I think it says  
20 something about Mr. Booker that a woman who works with women who  
21 are trying to get away from prostitution also sees something in  
22 Mr. Booker as a father and as a boyfriend to her. It says  
23 something that Mr. Booker is not necessarily I think the --  
24 somewhat of a monster that the government is portraying.

25 And so, I think for all of these reasons a 120-month

1 sentence is certainly sufficient but not greater than necessary  
2 to achieve the purposes of 3553.

3 As I said, Miss Richards would like to address the  
4 court and Mr. Booker would also like to address the court.

5 THE COURT: All right. Miss Richards, if you'd like  
6 to be heard you may please come forward and use the lectern.

7 MS. RICHARDS: Sorry. Hello. Can I first just read  
8 --

9 THE COURT: Can you state your full name, please.

10 MS. RICHARDS: I'm sorry. Precious Richards.

11 THE COURT: Go ahead.

12 MS. RICHARDS: Can I first just read two letters that  
13 my kids wrote in regards to --

14 THE COURT: You may.

15 MS. RICHARDS: This is from his nine-year-old  
16 daughter. She said: "Dear Judge, I would like for my daddy to  
17 come home because he is a great parent and I really love him so  
18 much."

19 Sorry.

20 THE COURT: That's okay.

21 MS. RICHARDS: "He is the love of my life. He shows  
22 me all the respect he can show. He takes me places I want to  
23 go. I really love my daddy." She had that in bold. "He makes  
24 me smile and laugh. Without him I can't live. So can he please  
25 come home? He treats me as if I'm the only child. Please give

1 my daddy the honor to come enjoy his life. Let me enjoy being  
2 with him for the rest of his life. He will be a great father  
3 and I promise -- promise not to be mad anymore."

4 And this is from his son:

5 "I am a stepson of Amani Booker. I really want my  
6 step dad to come back because it's not only hard for my sister,  
7 it's hard for me. She has a dad but to me I really want him to  
8 come home because my father really wasn't there for me half of  
9 the time but Amani was there for me. Like, for example, he was  
10 there for all my birthdays, Christmas concerts. He's been there  
11 for me all this time. I love him so much. He's a great father  
12 to me. And I would love it if you could just give him another  
13 chance. He will be a great father and a stepfather. I want to  
14 have a great father like him."

15 And I just wanna say that in regards to his situation  
16 that like it seems like -- sorry -- they focus a lot on his past  
17 and the things that he's done to get his self in the criminal  
18 system, but he is really a positive person when he's around  
19 kids. And he has -- I mean, he's always been a person of his  
20 word. And like, him being in here, we talked about whenever the  
21 outcome of this situation when he does come home what we will do  
22 from this point as a family to make sure that this situation  
23 doesn't happen again. And it's not really -- the sentence  
24 doesn't really just affect him, it affects me and the kids. And  
25 Amani knows that whatever the outcome of this situation we'll be



1 there for him. Just know it's really difficult. And I really  
2 wish that, you know, you know, that could be taken into  
3 consideration when it comes to his sentencing today.

4 I appreciate you listening to me, too. Thank you.

5 THE COURT: I appreciate your comments. They  
6 certainly provide a different perspective concerning Mr. Booker.

7 Mr. Booker?

8 THE DEFENDANT: Your Honor, I just wanna say that, you  
9 know, I know I made a lot of bad decisions in my -- in my life,  
10 and I'm hurting a lot of people right now. Something -- I mean,  
11 there's something that makes me make bad decisions that I just  
12 don't think that, you know, that it could lead -- that it  
13 eventually lead to this. My mother and my parents been telling  
14 me this a long time ago that, you know, these negative decisions  
15 always lead to, you know, something negative in return.

16 I just happened to always, you know, look for the  
17 fastest way that I could be able to take care of things. And,  
18 you know, I guess basically I had to learn everything the hard  
19 way. That, you know -- you know, that I hurt more than myself  
20 just by making all of these bad decisions that I made with my  
21 life.

22 And I'm 35 years old. And, you know, this is my last  
23 opportunity to make something -- you know, at least to make  
24 something of myself so my son don't follow in my footsteps and  
25 my daughter follow in my footsteps and going in the same

1 direction in they life.

2 And, you know, basically I just want Precious to know  
3 that I'm sorry and, you know, that everybody involved with this  
4 case that I'm sorry about, you know, the decisions that I made  
5 with my life. And I'm here to accept responsibility, you know,  
6 for everything that I've done in my life that's been so negative  
7 on everybody else. You know.

8 And I just want an opportunity, you know, to show them  
9 that I'm really not a bad person. I just sometimes -- you know,  
10 I just sometimes, you know, doing things as easy as I can. And  
11 easy don't never turn out good. And seems like I gotta learn  
12 that the hard way. The easy never turns out good.

13 THE COURT: Mr. Booker, I have to say that what I  
14 heard today comes off as the story of two Amani Bookers. Your  
15 girlfriend and your children have been exposed to some very good  
16 things, the positive side of you. Your co-defendant and the  
17 child victim of your prostitution related activities have seen  
18 someone else.

19 You've shown caring and concern of a parent for your  
20 daughter, yet you showed something quite different to someone  
21 else's daughters. You have used and abused women and at least  
22 one child. You have demeaned those women and child, and you  
23 have taken advantage of their services for your benefit and for  
24 your financial well-being. You have placed women and the child  
25 victim in this case at risk for physical harm as well as medical

1 harm, and you have engaged in a pattern of utter disregard for  
2 the law.

3 The community needs to know -- and other men who might  
4 think of engaging in prostitution activities by enlisting women  
5 to engage in sexual activity for money should know -- that there  
6 is a cost, a tremendous cost that will be paid for violating the  
7 law. A slap on the wrist and a nod are insufficient. The  
8 penalty for your criminal conduct must be substantial in order  
9 to deter you from engaging in future criminal activity, and  
10 certainly for the purpose of deterring you from engaging in  
11 further prostitution related activities.

12 The penalty should also deter others. General  
13 deterrence, as Mr. Wall has suggested, is important, and that is  
14 one of the underlying reasons for our criminal law and for  
15 sentencing generally and sentencing in this case in particular.  
16 18 U.S.C. Section 3553(a)(2) requires me to do that, and to take  
17 all of that into account.

18 I have weighed the facts and circumstances of this  
19 case and have noted that the child who was enticed to engage in  
20 prostitution here was 14 years old. While the doctor who  
21 submitted his report suggests that it might be difficult to tell  
22 from looking at her whether she was 14 or older, what you and  
23 Miss Arnold said and did suggests strongly that you didn't think  
24 she was 18. In fact, in my view you knew she was not 18. You  
25 quizzed this child about her age. Miss Arnold did also.

1 Miss Arnold noted how inappropriately she was dressed  
2 when you and Miss Arnold approached this child on the street at  
3 about 1:30 in the morning, as she was clearly soliciting  
4 business on the street corner. You and Miss Arnold schooled  
5 this child and made it clear to her that what she was selling  
6 for \$50 could be sold for a lot more. You humiliated this young  
7 woman and exposed her to the world by taking photographs of her  
8 and posting them on the Internet so the world can see. Her  
9 privacy was at that point shot, eliminated, perhaps for all  
10 time.

11 It's, therefore, the conclusion of this court that a  
12 120-month sentence as requested by your counsel is not  
13 sufficient. On the other hand, considering what the government  
14 has noted, and in particular the responsibility you've taken in  
15 connection with this case, a sentence less than the maximum is  
16 certainly appropriate.

17 Mr. Wall has requested that the court impose a  
18 168-month sentence. And when I take into account all of the  
19 factors that have been set out in this record, I concur. Such a  
20 sentence is no greater than is necessary under the  
21 circumstances. It's reasonable, yet exacts the right amount of  
22 punishment with due regard for your incarceration prior to this  
23 case, in this particular case, as well as other sentences that  
24 have been imposed.

25 When you have completed this sentence you're to serve

1 a five-year term of supervision, and during your supervision  
2 you're to comply with the standard conditions which have been  
3 imposed by this court. And let me also add you're not to  
4 violate any federal, state, or local laws.

5 Additionally, the following applies:

6 1. You're to report within 72 hours of your release  
7 to the probation office in the district where your release  
8 occurs.

9 2. At no time may you possess a firearm or ammunition  
10 for a firearm. If you do, an additional period of incarceration  
11 shall ensue.

12 Third. You may not possess any controlled substances  
13 illegally. That also means you can't use any illegal controlled  
14 substances. If you violate this term of your supervision, you  
15 will also go back to jail.

16 If you have not to date submitted a sample of your  
17 DNA, you are to submit a sample immediately or as soon as a  
18 request for your DNA is made. If for some reason you're DNA has  
19 not been collected prior to your release, you're to submit a  
20 sample of your DNA at the direction of your supervising  
21 probation officer. If you fail to do so you will again be  
22 subject to further incarceration.

23 The court further directs that you participate in a  
24 program of testing to include not more than six urinalysis tests  
25 per month, and residential and/or outpatient treatment for drug

1 abuse as approved by your supervising probation officer. During  
2 your supervision you may not use alcoholic beverages to excess.

3 While on supervision -- and this takes into account  
4 the discussion earlier regarding your income and taxes -- you're  
5 not to open any new lines of credit or use any existing lines of  
6 credit or lease any personal property without the prior approval  
7 of your supervising probation officer who is to have access to  
8 your personal financial information, including your federal and  
9 state income tax returns, which returns are to be timely filed  
10 and provided to your supervising probation officer immediately  
11 after they are filed.

12 Please note that the conditions of your supervision in  
13 this district -- perhaps they are different in another district,  
14 but within this district your monthly financial reports are due  
15 within five days of the beginning of each month. Failure to  
16 submit these reports and failure to truthfully complete the  
17 reports will subject you to an additional period of  
18 incarceration.

19 You have familial responsibilities and, therefore, you  
20 are to cooperate with the child support enforcement unit in the  
21 payment of any child support or arrearage and make regular  
22 payments of child support as directed by your supervising  
23 probation officer.

24 Because this offense involved a minor, you are not to  
25 have any contact with children under the age of 18 unless

1 approved in advance in writing by your supervising probation  
2 officer, and then only in the physical presence of a responsible  
3 adult who has been advised of this conviction.

4 If you have inadvertent contact with a minor contrary  
5 to these conditions, within eight hours you are to report that  
6 inadvertent contact to your supervising probation officer.

7 Please also know that you are to register as a sex offender in  
8 accordance with applicable law.

9 The Mandatory Victims Restitution Act, Title 18,  
10 Section 3013 also dictates that you pay a special assessment.  
11 As I indicated earlier, that sum is \$100. It is payable  
12 immediately to the Office of the Clerk of Court in room 362 of  
13 this building. If you do not have the ability to pay that at  
14 this time or prior to reporting to the institution or  
15 institutions designated in this case, you're to participate in  
16 the Bureau of Prisons Inmate Financial Responsibility Program as  
17 a necessary part of this payment obligation. If any portion of  
18 the special assessment remains upon your release, the balance is  
19 to be paid at a rate of not less than \$10 a month commencing 60  
20 days following your release from custody.

21 I add this to your conditions of release and your  
22 judgment of conviction in recognition of difficulty -- of  
23 difficulties that defendants often have securing employment and  
24 the need to give defendants an opportunity to gain some -- or I  
25 should say realize some cash flow.

1           If you take issue with your conviction and believe  
2           that there was a fundamental defect in the proceeding which was  
3           not waived by your guilty plea or otherwise waived as part of  
4           your plea agreement in this case, or, on the other hand, if you  
5           believe the court has imposed an illegal sentence or a sentence  
6           that is contrary to law, you may appeal. If you wish to appeal  
7           you can indicate that on the record before you leave the  
8           courtroom today and the clerk will file your notice of appeal.

9           Alternatively, you will have 14 days after the  
10          judgment of conviction has been docketed to file a notice of  
11          appeal. You may do that with the assistance of your counsel, or  
12          you may do it without his help. Regardless of how an appeal is  
13          initiated, Mr. Mullins is required to represent you in the  
14          appellate court and in the preparation of the documents unless  
15          or until the court of appeals states otherwise.

16          At this juncture the court is not imposing a fine and  
17          further determining that you qualify to appeal in forma  
18          pauperis, that is, without the payment of the usual filing fee.

19                 What is your desire? Do you wish to appeal?

20                 THE DEFENDANT: No. I would like to speak with my  
21          lawyer at a later date before I make that decision.

22                 THE COURT: Very well. Mr. Mullins, I trust that you  
23          will file an appropriate statement verifying your consultation  
24          with your client and the decision which has been reached.

25                 MR. MULLINS: I will, Your Honor.



1 THE COURT: Is there anything else from the defense?

2 MR. MULLINS: Just a couple of things.

3 THE COURT: Surely.

4 MR. MULLINS: We would ask for a recommendation that  
5 Mr. Booker participate in the 500-hour drug treatment program.

6 THE COURT: I will include that in the judgment.

7 MR. MULLINS: And placement as close to Milwaukee as  
8 possible.

9 THE COURT: That too will be included.

10 MR. MULLINS: Thank you.

11 THE COURT: Is there anything on behalf of the  
12 government?

13 MR. WALL: No, Your Honor. Thank you.

14 THE COURT: One second, please.

15 Mr. Fetherston?

16 PROBATION OFFICER: Nothing, Judge.

17 THE COURT: Very well. I wish you well.

18 Let me just add one thing, Mr. Booker. Your children  
19 have indicated that they're going to miss you and that they  
20 appreciate the things that you've done for them. Write them.  
21 Get involved in the prison industries. Do something that will  
22 give you some income -- legitimately, of course, within the  
23 laws -- so that you can contact your kids, obtain commissary  
24 goods, and show them through your writing and communications,  
25 other than collect calls that are very expensive, that you care.

1 In that way you can continue to participate meaningfully in  
2 their lives and bring some good to an otherwise negative  
3 situation.

4 Make the best of the circumstances you have and try to  
5 counsel your kids in a way that helps them to appreciate the  
6 things that they have and encourages them to get a good  
7 education and to be the best that they can possibly be.

8 We stand in recess.

9 THE BAILIFF: All rise.

10 (Audio file concluded at 2:42:52 p.m.)

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1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WISCONSIN  
3

4 I, JOHN T. SCHINDHELM, RMR, CRR, Certified Transcriber  
5 for the United States District Court, Eastern District of  
6 Wisconsin, do hereby certify that I transcribed the foregoing  
7 audio file, and that the same is complete and accurate to the  
8 best of my ability and in accordance with the audio file as  
9 provided to me.

10 Dated this 8th day of March, 2011.

11 Milwaukee, Wisconsin.

12   
13 \_\_\_\_\_  
14 Official Court Reporter  
United States District Court